

#8

PATENT

Attorney Docket No. 125.003USR1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Leroy Snell

Serial No.: 10/005,483
Filed: November 9, 2001
For: HIGH DATA RATE SPREAD
SPECTRUM TRANSCEIVER AND
ASSOCIATED METHODS

Group Art Unit: 2631

Examiner: Not Assigned

FAX RECEIVED

FEB 10 2003

PETITIONS OFFICE

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

RENEWED PETITION UNDER 37 C.F.R. § 1.47(b) TO FILE APPLICATION
WITHOUT INVENTOR'S SIGNATURE

Pursuant to 37 C.F.R. § 1.47(b), petitioner Intersil Americas Inc. ("Intersil"), respectfully seeks permission to file the above-identified reissue application without the signature of one of the inventors, James Leroy Snell. James Leroy Snell has refused to execute the reissue application. The last known address for James Leroy Snell is as follows:

James Leroy Snell
Residence/Post Office Address: 2695 Lemon Street NE
Palm Bay, FL 32905
Citizenship: US

Snell is the inventor named on U.S. Patent No. 5,982,807, issued November 9, 1999 for "High Data Rate Spread Spectrum Transceiver and Associated Methods" (the "'807 patent").

As set forth in the Declaration of Elizabeth A. Bauer, submitted herewith, *bona fide* attempts and diligent efforts have been made to present the reissue application and corresponding inventor's declaration to James Leroy Snell for signature in accordance with MPEP 409.03(b) and 37 C.F.R. § 1.47(b). As indicated in paragraphs 2 and 3 of the Declaration of David N. Fogg,

RENEWED PETITION 1.47(c) TO FILE REISSUE APPLICATION WITH THE INVENTOR'S SIGNATURE

Serial No. 10/005,483

Filed: November 9, 2002

Title: HIGH DATA RATE SPREAD SPECTRUM TRANSCEIVER AND ASSOCIATED METHODS

Attorney Docket No. 125.003USR1

PAGE 2 OF 2

James Leroy Snell has refused to execute the reissue application and corresponding inventor's declaration.

The declaration of Paul A. Bernkopf, submitted with the prior Petition on June 28, 2002 (copy enclosed), shows that the petitioner Intersil, is the assignee of the '807 patent. Intersil filed a reissue application on the '807 patent without the inventor's signature on November 9, 2001, serial number 10/005,483, to broaden the scope of the claims of the '807 patent. Respectfully, Intersil has sufficient proprietary right to act as agent for the inventor in this application.

Filing of this reissue application is necessary to preserve the rights of the parties hereto. Irreparable harm will result to Intersil if the petition is not granted as shown by the Declaration of Paul A. Bernkopf.

Applicant previously submitted a Reissue Application: Consent of Assignee: Statement of Non-Assignment and Statement under 37 C.F.R. 3.73(b) (copies enclosed) on June 28, 2002.

It is Applicant's understanding that there are no additional fees for this RENEWED Petition. However, if any additional fees or credits are deemed necessary, please charge or credit Deposit Account No. 502432

Based on the foregoing, it is respectfully submitted that the petitioner has demonstrated sufficient proprietary interest to make the reissue application on behalf of and as agent for the inventor James Leroy Snell who has refused to sign the inventor declaration. Petitioner respectfully requests that the petition Under 37 CFR §1.47(b) be granted.

Respectfully submitted,

Date:

November 27, 2002


David N. Fogg
Reg. No. 35,138

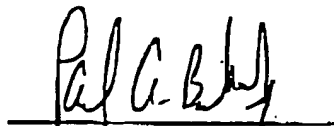
Attorneys for Applicant
Fogg & Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
Telephone: 612-332-4720
Facsimile: 612-677-3553

Declaration Of Paul A. Bernkopf**FAX RECEIVED****FEB 10 2003****PETITIONS OFFICE**

I, Paul A. Bernkopf, hereby declare:

1. I am Chief Intellectual Property Counsel and Corporate Vice President of Intersil Americas Inc., formerly known as Intersil Corporation and Intersil Communications Inc. ("Intersil"). Intersil is a successor in interest to Harris Corporation and assignee of Harris Corporation's interest in certain intellectual property, including U.S. Patent No. 5,982,807, issued to James Leroy Snell, inventor, on November 9, 1999 for "High Data Rate Spread Spectrum Transceiver And Associated Methods" (the "'807 patent'"), as shown by assignment dated August 11, 1997, and recorded on September 19, 1997, at Reel: 8728, Frame: 0769, in the United States Patent and Trademark Office.
2. James Leroy Snell is a former employee of Harris Corporation and Intersil. He was involved in research and development of Harris Corporation and Intersil products. Snell is sole inventor of the "'807 patent." On information and belief, he is retired.
3. James Leroy Snell agreed in writing to assign all of his right, title and interest in and to the invention of the '807 patent to Harris Corporation, Intersil's predecessor in interest, as shown by assignment dated August 11, 1997, and recorded on September 19, 1997, at Reel: 8728, Frame: 0769, in the United States Patent and Trademark Office.
4. Intersil filed a reissue application on the '807 patent without the inventor's signature on November 9, 2001, RE 10/005,483, to broaden the scope of the claims of the '807 patent.
5. The invention of the '807 patent represents valuable intellectual property of Intersil. Intersil will be irreparably harmed if it is not able to exploit this intellectual property by filing and prosecuting the subject reissue application since the scope of the invention was not fully realized by the claims of the '807 patent.


I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Paul A. Bernkopf

Dated: 6/26/02

PTO/SB/53 (10-00)
Approved for use through 12/00/2000. OMD 0651-0003
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to provide information unless it is shown on this OMD control number.

REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) 125.003USR1
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) James Leroy Snell		
Patent Number 5,982,807	Date Patent Issued November 9, 1999	
Title of Invention HIGH DATA RATE SPREAD SPECTRUM TRANSCEIVER AND ASSOCIATED METHODS		
<p>1. <input checked="" type="checkbox"/> Filed herein is a certificate under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
<div style="display: flex; justify-content: space-between;"><div>The assignee(s) owning an undivided interest in said original patent is/are and the assignee(s) consents to the accompanying application for reissue.</div><div>Intersil Americas, Inc. 7585 Irvine Center Drive Suite 100 Irvine, California 92618</div></div>		
Name of assignee/inventor (if not assigned)		
Signature 	Date 6/26/02	
Typed or printed name and the title of person signing for assignee (if assigned)		
Paul A. Bornkopf Chief Intellectual Property Counsel & Corporate Vice President		

PTO/SO/90 (C-08)
 Approved for use through 09/30/2003. OMB 0651-0031
 Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Intersil Americas, Inc.

Application No./Patent No.: 08/819,846 - 5,982,807 Filed/Issue Date: 03/17/97 - 11/09/99

Entitled: HIGH DATA RATE SPREAD SPECTRUM TRANSCIVER AND ASSOCIATED METHODS

Intersil Americas Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest or
2. ☐ an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: James Leroy Snell To: Harris Corporation
 The document was recorded in the Patent and Trademark Office at
 Reel 8728, Frame 0769, or for which a copy thereof is attached.
2. From: Harris Corporation To: Intersil Corporation
 The document was recorded in the Patent and Trademark Office at
 Reel 10804, Frame 0394, or for which a copy thereof is attached.
3. From: Intersil Corporation To: Intersil Communication Inc.
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.6)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

6/26/02

Date

Paul A. Bernkopf
 Signature

Paul A. Bernkopf

Typed or printed name

Chief IP Counsel & Corporate VP

Title

Burden Hour Statement: This form is estimated to take 02 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

4. From: Intersil Communication Inc. .
To: Intersil Americas Inc. .

This document is attached, but has not been recorded in the U.S. Patent and
Trademark Office.

PTO/SB/51 (10-00)

Approved for use through 12/30/00. OMB 0851-0033

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION DECLARATION BY THE INVENTORS

Docket Number (optional)

125.003USR1

As a below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is described and claimed

In patent number 5,982,807, granted November 9, 1999, and for which a reissue patent is sought of the invention entitled**HIGH DATA RATE SPREAD SPECTRUM TRANSCEIVER AND ASSOCIATED METHODS**

the specification of which

☐

is attached hereto.

☒was filed on November 9, 2001 as reissue application number 10/005,483and was amended on 11/9/01; 8/28/02; 10/23/02

(if applicable)

We have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

We verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐

by reason of a defective specification or drawing.

☒

by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒

by reason of other errors.

At least one error upon which reissue is based is described below: If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue application is based on an error in that the applicant and applicant's attorney failed to appreciate the full scope of the invention and thus claimed less subject matter than could have been claimed. The issued claims contain limitations that are not essential for practicing the broad teachings of the invention disclosed in the application. Thus, this reissue application is intended as a broadening reissue.

In one example of this error, Applicant employed means plus function language in the claims. The claims presented in this reissue application avoid the use of means plus function language and thus broaden the scope of the invention.

Further, Applicant believes the original patent to be wholly or partly inoperative or invalid through error of inventors incorrectly not named in the original patent. Such error arose without any deceptive intent as subject matter now claimed was not claimed in the original patent.

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PTO/SB/51 (10-00)

Approved for use through 12/30/00. OMB 0851-0033

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

125.003USR1

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name	Registration	Name	Registration
Fogg, David N.	35,138	Bernkopf, Paul A.	41,615
Lundberg, Scott V.	41,958	Balog, Douglas A.	42,288
Powers, Jon M.	43,868		
Ryan, Laura A.	49,055		

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

34206

Customer Number

☒Firm or
Individual NameDavid N. Fogg
FOGG & ASSOCIATES, LLC

Address P.O. Box 581339

City Minneapolis

State

Minnesota

Zip

55458-1339

Country USA

Telephone

612-332-4720

Fax

612-677-3553

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of first inventor (given name, family name)

James Leroy Snell

Inventor's signature

Date

Residence

Palm Bay, FL

Citizenship

USA

Mailing Address

2695 Lemon Street NE, Palm Bay Florida, 32905-4831

Full name of second joint inventor (given name, family name)

Carl F. Andren

Inventor's signature

Carl F. Andren

Date

10/29/02

Residence

Indialantic, FL

Citizenship

US

US

Mailing Address

906 S. Ramona Avenue, Indialantic, FL 32903

Full name of third joint inventor (given name, family name)

Leonard Victor Lucas

Inventor's signature

Date

Residence

Seattle, WA

Citizenship

US

Mailing Address

11529 Greenwood Ave. N, Apt. 6, Seattle, WA 98133



Additional joint inventors are named on separately numbered sheets attached hereto.

PTO/SB/51 (10-00)

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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

125.003USR1

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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Lundberg, Scott V.	41,958	Balog, Douglas A.	42,288
Powers, Jon M.	43,868		
Ryan, Laura A.	49,055		

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

34206

Customer Number

☒Firm or
Individual NameDavid N. Fogg
FOGG & ASSOCIATES, LLC

Address P.O. Box 581339

City Minneapolis

State

Minnesota

Zip 55458-1339

Country USA

Telephone

612-332-4720

Fax 612-677-3553

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of first inventor (given name, family name)

James Leroy Snell

Inventor's signature

Date

Residence

Palm Bay, FL

Citizenship

USA

Mailing Address

2695 Lemon Street NE, Palm Bay Florida, 32905-4831

Full name of second joint inventor (given name, family name)

Carl F. Andren

Inventor's signature

Date

Residence

Indialantic, FL

Citizenship

US

Mailing Address

906 S. Ramona Avenue, Indialantic, FL 32903

Full name of third joint inventor (given name, family name)

Leonard Victor Lucas

Inventor's signature

Date

Residence

Seattle, WA

Citizenship

US

Mailing Address

11529 Greenwood Ave. N, Apt. 6, Seattle, WA 98133



Additional joint inventors are named on separately numbered sheets attached hereto.

PATENT

Attorney Docket No. 125.003USR1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Leroy Snell

Serial No.: 10/005,483
Filed: November 9, 2001
For: HIGH DATA RATE SPREAD
SPECTRUM TRANSCEIVER AND
ASSOCIATED METHODS

Group Art Unit: 2631

Examiner: Not Assigned

DECLARATION OF DAVID N. FOGG

I, David N. Fogg, state as follows:

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1. I am a member of Fogg & Associates, LLC, attorneys for Intersil Americas Inc., the assignee of the present application.
2. On November 15, 2002, I spoke with Mr. Snell regarding the Reissue Declaration provided to him by Don Hamrick on November 13, 2002. Mr. Snell expressed concern with signing the Reissue Declaration and indicated that he would seek advice of counsel prior to signing anything.
3. In follow-up telephone calls on November 18, 2002, I spoke with Mr. Snell further regarding the Reissue Declaration. Mr. Snell indicated that he would not sign the Reissue Declaration unless I provided a letter to him indicating, among other things, that it was not necessary for him to review claims 123-133 of the reissue application. Mr. Snell also wanted me to make certain factual statements in the letter regarding inventorship of the various claims of the reissue application.

Attorney Docket No. 125.003USR1
Serial No. 10/005,483

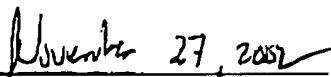
Page 2 of 2

When I told Mr. Snell that I could not provide such a letter, Mr. Snell said he would not sign the Reissue Declaration.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



David N. Fogg



Date

PATENT

Attorney Docket No. 125.003USR1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Leroy Snell

Serial No.: 10/005,483
Filed: November 9, 2001
For: HIGH DATA RATE SPREAD
SPECTRUM TRANSCEIVER AND
ASSOCIATED METHODS

Group Art Unit: 2631

Examiner: Not Assigned

FAX RECEIVED**FEB 10 2003****PETITIONS OFFICE****DECLARATION OF ELIZABETH A. BAUER**

I, Elizabeth A. Bauer, state as follows:

1. I am a paralegal employed by Fogg & Associates, LLC, attorneys for Intersil Americas Inc., the assignee of the present application.
2. On October 28, 2002, I sent a letter together with the preliminary amendment, reissue application, supplemental preliminary amendment, second supplemental preliminary amendment and reissue application declaration in the above referenced reissue proceedings to the inventor, James Leroy Snell, via Federal Express shipment. The letter requested him to review the documents, execute the declaration and return them to me promptly. A copy of this letter is attached hereto as Exhibit A.
3. On November 6, 2002, I received the Federal Express package, with contents as indicated in paragraph 2, returned to me with notations on the cover that three attempts were made to deliver this to Mr. Snell on October 29, 2002; October 30, 2002 and October 31, 2002. On November 5, 2002 they returned the package

Attorney Docket No. 125.003USR1
Serial No. 10/005,483

Page 2 of 2

back to me, the sender. A copy of the Federal Express envelope is attached hereto and marked Exhibit B.

4. On November 5, 2002, I sent the same package, via federal express, as outlined in paragraph 2 to Deponet at 380 Riggs Avenue, Melbourne Beach, Florida for hand-delivery to Mr. James Snell. A copy of this letter is attached hereto and marked Exhibit C. A Declaration of Don Hamrick indicating this package was delivered to Mr. Snell on November 13, 2002 is attached hereto as Exhibit D.
5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Elizabeth A. Bauer
Elizabeth A. Bauer

November 26, 2002
Date

FOGG AND ASSOCIATES, LLC

123 N. Third Street, Suite 705
Minneapolis, MN 55401
T: (612) 332-4720
F: (612) 677-3553

David N. Fogg

Jon M. Powers
Laura A. Ryan
Scott V. Lundberg

October 28, 2002

James L. Snell
2695 Lemon St NE
Palm Bay, FL 32905-4831

Via Federal Express

Re: Reissue Patent Application for 5,982,807
Our File No. 125.003USR1

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Mr. Snell:

PETITIONS OFFICE


This letter is a follow-up to the letter that David Fogg sent to you via Federal Express on October 23, 2002 in regard to the above-referenced reissue patent application. Attached please find the following:

1. Preliminary Amendment and United States Patent 5,982,807, filed November 9, 2001;
2. Supplemental Preliminary Amendment, filed August 29, 2002;
3. Second Supplemental Preliminary Amendment, filed October 23, 2002;
and
4. Reissue Application Declaration by the Inventors.

Please review these documents, sign and date the Reissue Application Declaration where indicated, fax the signed declaration to us at 612-677-3553, and return the original signed declaration to us in the enclosed Federal Express package.

If you have any questions, please contact either David Fogg or myself at 612-332-4720.

Sincerely,



Elizabeth A. Bauer
Paralegal

Enclosures

cc: Paul Bernkopf

EXHIBIT A

Customer: This service area is provided for your internal use and convenience. Service must be marked on airbill.

FedEx Service:

FedEx Urgent
Express

Name 10/31 CTF MSG Ref Mach
Company
Address RIS 11/5/02
City, State, Zip
Telephone

FedEx *Enviato*

FedEx | Ship Manager | Label 7919 6809 3285

From: FOGG AND ASSOCIATES (612) 332-4720
FOGG & ASSOCIATES
123 THIRD STREET NORTH
MINNEAPOLIS, MN 55401

To: James L. Snell (321) 723-8937

2695 Lemon Street NE

Palm Bay, FL, 329054831

Ref: 125.003USRI



DELIVERY ADDRESS (ALC006755X-10N)

TRK # 7919 6809 3285 0201

FedEx PRIORITY OVERNIGHT

MCO

XH MLBA

32905-FL-US

EXHIBIT B

Insert
airbill
here

REVENUE BARCODE



FedEx

SHIP DATE: 28
WEIGHT: 1 LB 8

TUE
AA
Deliver 1
290C

S. Atkinson
11/30/02

FEB-10-2003(MON) 10:00
☐ 1st Attempt ☐ 2nd Attempt ☐ Final Atte
On Date: 10/28 At Time: 9:45 we this package
☐ Deliver ☐ Pick Up

4 We will make another attempt:

☐ Mon. ☐ Tue. ☐ Wed. ☐ Thur. ☐ Fri. ☐ Sat. ☐ Sun.
☐ 9:00 AM - Noon ☐ Noon - 3:00 PM ☐ After 3:00 PM
Note: After the delivery attempt of correction in business days, your shipment will be returned to the shipper. Additional charges will be assessed for return shipping and handling charges.

5 We left your shipment at:

6 We are unable to leave your shipment due to the following:

☐ Dangerous Goods ☐ Security Reasons (Hgt. Val.)
☐ Firearms/Drugs/Alcohol/Tobacco
☐ CO2 Amount: Out
☐ Bill Recipient/Account Number Needed

Per shipper requirements, you must be present to sign for and accept package. Signature release, indirect delivery or signed delivery notice will be allowed. Please call 1-800-Go-FedEx (800) 463-3123, 24 hours a day, 7 days a week to arrange for delivery.

FedEx® Tracking Numbers

FOGG AND ASSOCIATES, LLC

(FAX) 612 677 3553

P. 019/027

Attempted Delivery: 11:45 Rept Delivery: 16:30 on 31oct
Rept Addr: 2695 LEMON ST NE NO RELEASE NUMBER ON FILE
Pkg Trk#: 791968093285

FOGG AND ASSOCIATES, LLC

123 N. Third Street, Suite 705
Minneapolis, MN 55401
T: (612) 332-4720
F: (612) 677-3553

David N. Fogg

Jon M. Powers
Laura A. Ryan
Scott V. Lundberg

November 5, 2002

VIA FEDERAL EXPRESS

DEPONET
Attn: Mike
380 Riggs Avenue
Melbourne Beach, FL 32951

Re: Reissue Patent Application for 5,982,807
Our File No. 125.003USR1

Dear Mike:

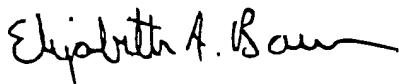
Please hand-deliver the attached letter and documents to:

James L. Snell
2695 Lemon St NE
Palm Bay, FL 32905-4831

We would like this processed on a **RUSH PRIORITY** basis. Please prepare your standard Affidavit of Service and fax the completed Affidavit of Service to us at 612-677-3553 or 612-332-4731.

If you have any questions, please contact either David Fogg or myself at 612-332-4720.

Sincerely,



Elizabeth A. Bauer
Paralegal

Enclosures

cc: Paul Bernkopf

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FEB 10 2003

PETITIONS OFFICE

EXHIBIT C

PATENT

Attorney Docket No. 125.003USR1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Leroy Snell

Group Art Unit 2631

Examiner: Not Assigned

Serial No.: 10/005,483
Filed: November 9, 2001
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SPECTRUM TRANSCIEVER AND
ASSOCIATED METHODS

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FEB 10 2003

PETITIONS OFFICE

DECLARATION OF DON HAMRICK

I, Don Hamrick, state as follows:

1. I am a process server employed by CrummeY Investigations, Inc., P.O. Box 510405, Melbourne Beach, FL 32951-0405.
2. On November 6, 2002, at 12:11 pm, I received documents from Deponet, 380 Riggs Avenue, Melbourne Beach, FL 32951 on behalf of Elizabeth A. Bauer, Paralegal at Fogg and Associates, LLC, 123 North Third Street, Suite 705, Minneapolis, MN 55401 to be served upon Mr. James L. Snell 2695 Lemon Street, Northeast, Palm Bay, Florida 32905-4831.
3. On November 7, 2002, I attempted to serve Mr. Snell documents that were prepared by Fogg & Associates, LLC, but he was not home. I learned from a neighbor that he should return home in one week.
4. On November 13, 2002, at 6:45pm, I served Mr. Snell with the documents as requested.

EXHIBIT D

Attorney Docket No. 125.003USR1
Serial No. 10/005.483

Page 2 of 2

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued

thereon.


Don Hamrick, C.P.S. #255

11/27/2002
Date

Nov 27 2002 10:39AM P1/2

PATENT

Attorney Docket No. 125.003USR1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

James Leroy Snell

Group Art Unit 2631

Examiner: Not Assigned

Serial No.: 10/005,483
Filed: November 9, 2001
For: HIGH DATA RATE SPREAD
SPECTRUM TRANSCEIVER AND
ASSOCIATED METHODS

FAX RECEIVED

FEB 10 2003

PETITIONS OFFICE

DECLARATION OF DON HAMRICK

I, Don Hamrick, state as follows:

1. I am a process server employed by CrummeY Investigations, Inc., P.O. Box 510405, Melbourne Beach, FL 32951-0405.
2. On November 6, 2002, at 12:11 pm, I received documents from Deponent, 380 Riggs Avenue, Melbourne Beach, FL 32951 on behalf of Elizabeth A. Bauer, Paralegal at Fogg and Associates, LLC, 123 North Third Street, Suite 705, Minneapolis, MN 55401 to be served upon Mr. James L. Snell, 2695 Lemon Street, Northeast, Palm Bay, Florida 32905-4831.
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thereon.



Don Hamrick, C.P.S. #255

11/27/2002
Date